

# **EXHIBIT B**

12-07-LMS-LIT135242

65100-1109LIT-4728

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, etc., et al., )  
Plaintiffs, ) No. 07 C 6202  
v. ) Judge Coar  
BEAVER PLUMBING SERVICES, INC., ) Magistrate Judge Nolan  
Defendant. )

AFFIDAVIT OF KEVIN C. SHERLOCK

KEVIN C. SHERLOCK states that if he were called to testify, he would testify as follows:

1. I am the Field Representative for the Plumbers' Pension Fund, Local 130, U.A., and the Plumbers' Welfare Fund, Local 130, U.A. (collectively, "Funds").
2. As Field Representative, I am familiar with the records maintained by Funds on Employers who are party to collective bargaining agreements ("Agreements") with the Union, including Defendant.

3. As part of their regularly conducted business activities, the Funds record when payments are received by contributing Employers, including payments received by Defendant.
4. Under the Agreements, Employers must remit payments to Funds in a timely manner to avoid interest and liquidated damages.

5. Under the Agreements, interest accrues on all delinquent contributions on a

cumulative basis, at the rate of 1.5% per month from the first day of the month following the month for which the contributions are owed. Article IX of CBA, §9.8.

6. Under the Agreements, liquidated damages are assessed on all delinquent contributions at the rate of 8% on the balance due. Article IX of CBA, §9.8.

7. Defendant was delinquent and breached its obligations to Plaintiffs under the Agreements by reporting, but only paying partial contributions owed for the months of January through May, 2007, and August through September, 2007.

8. Defendant owes remaining delinquent contributions to Plaintiffs in the amount of \$107,764.90 for the months of January through May, 2007, and August through September, 2007.

9. As a result of Defendant's partial payments, Defendants owes late charges on said unpaid contributions for the months of January through May, 2007, and August through September, 2007, in the amount of \$9,529.40 in liquidated damages and \$13,296.61 in interest by virtue of the terms of the Agreement, with interest continuing to accrue at the rate of \$1,786.76 per month after January 1, 2008.

10. As of December 13, 2007, Defendant owes Funds the total of \$130,590.91 in delinquent contributions, liquidated damages, and interest.

11. In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

  
Kevin C. Sherlock

Executed on December 7, 2007.